

Joan Schafer/R3/USEPA/US

To Michael Kulik

cc

11/30/2011 03:24 PM

bcc

Subject Fw: Scranton Times-Tribune (11-30) Judge denies request to delay end of water deliveries in Dimock

didn't see your name...joan

----- Forwarded by Joan Schafer/R3/USEPA/US on 11/30/2011 03:23 PM -----

From: Roy Seneca/R3/USEPA/US

To: David Sternberg/R3/USEPA/US@EPA, Thomas Damm/CBP/USEPA/US@EPA, KarenD Johnson/R3/USEPA/US@EPA, capacasa.jon@epa.gov, Joan Schafer/R3/USEPA/US@EPA, Trish Taylor/R3/USEPA/US, David Polish/R3/USEPA/US@EPA, Helen Duteau/R3/USEPA/US@EPA, Jennie Saxe/R3/USEPA/US@EPA, Jessica Greathouse/R3/USEPA/US@EPA, Stacie Driscoll/R3/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, William Smith/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA, Terri-A White/R3/USEPA/US@EPA, Angela McFadden/R3/USEPA/US@EPA

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Subject: Scranton Times-Tribune (11-30) Judge denies request to delay end of water deliveries in Dimock

Judge denies request to delay end of water deliveries in Dimock

Published: November 30, 2011

By Laura Legere

An Environmental Hearing Board judge has denied Dimock Twp. families' petition to delay the end of fresh water deliveries on the day tankers are slated to stop bringing replacement water to their homes.

Read the Dimock Twp. families' petition [HERE](#)

Read Cabot's response [HERE](#)

The decision was a blow to the families, whose lawyers had made a last-minute push to stay a Department of Environmental Protection decision that allows natural gas driller Cabot Oil and Gas Corp. to stop delivering the water it has provided for several years.

The state has found the company responsible for methane contamination of water supplies that feed 19 homes and 11 of the affected families have appealed the state's decision to allow the water deliveries to stop.

In his order denying the families' petition, Judge Bernard A. Labuskes, Jr. called for the families, Cabot and the state to submit arguments by Dec. 7 for or against a second, non-emergency petition filed by the families in an effort to restore the water deliveries.

In October, DEP said Cabot could stop the water deliveries by today because the company had met the obligations described in a December 2010 settlement between the agency and the driller over the methane contamination. The settlement required the company to offer to install methane-removal systems and fund escrow accounts with twice the tax-assessed value of each of the 19 affected homes, but did not require the company to restore the affected water to its pre-drilling quality.

In their petition for an injunction, lawyers for 11 of the affected families said the department's settlement terms ignored state law, which requires drillers to permanently restore or replace water supplies contaminated by their operations.

Both Cabot and the state argued that the families' petition did not meet the legal requirements for an emergency injunction.

Cabot, which denies it caused the contamination, argued in a legal filing Monday that the families' appeal came too late, their well water is safe to drink and, even if it were not, the families could get their own fresh water delivered "at modest cost" or collect it for free from an artesian well in Montrose.

Roy Seneca
EPA Region 3 Press Officer
Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567